



Jeff Mursau

STATE REPRESENTATIVE • 36TH ASSEMBLY DISTRICT

Assembly Bill 375
Rep. Jeff Mursau
Assembly Committee on Education
Oct. 9, 2007

Thank you, Rep. Davis for this chance to speak to the committee on Assembly Bill 375.

It's no secret that school districts in my corner of Wisconsin face some serious challenges. In fact, the financial outlooks for some school districts are so dire that they are asking me for more options that allow them to be flexible and efficient if they are expected to exist five years from now.

Currently, all schools operate under 'day' and 'hour' requirements to be eligible for state aid. AB 375 simply eliminates the requirement that the school year be stretched out over at least 180 days.

Removing this mandate offers some flexibility when budgeting in a situation that is forcing local school boards to be more efficient and effective with fewer dollars. As legislators, when we ask school districts to be prudent with their money, we should also then give them the tools to get the "best bang for their buck."

To put it another way, I'd rather my schools not have to cut a teacher than run the busses for a few more half-days. I'd rather there is enough money for a sports coach than serving hot lunches for a few more days. I could go on, but I think you get my point.

AB 375 does not require more or fewer school days for students or teachers. Instead, it would return the ability to negotiate the local school calendar back to the school board and teachers, where it belongs. These are the people who know their local needs. The state's role should be to provide a foundation of a minimum number of hours, but not micromanage how days the school year consists of. This is especially true when the state doesn't even stipulate how long a 'day' has to be. How else can you explain elementary school students having a last day of school that is less than three hours long?

Last session the Legislature had to pass a bill to require the DPI to collect data on the number of hours each school holds class each year. I have included an article that appeared in the Milwaukee Journal Sentinel in August that reported on the discrepancies that were found in both the amount of hours and days that some students in the Milwaukee area attend school.

AB 375 does not allow a school board to reduce the amount of face-to-face instructional hours to be less than current law. In fact, the bill includes language from an amendment offered by the State Senate last session that prohibits a school district from lowering the number of hours they meet during this current school year – even if they are well above the state's minimum requirement.

The concept behind having both a day and hour requirement is also outdated when we have modern educational models such as block scheduling and long-distance learning.

Gov. Doyle has previously said that his concerns about eliminating this mandate include the hardship it would cause on things like daycare schedules. This is hardly something that should be directing educational policy, but actually, the opposite is true. The 180 day mandate forces some school district to schedule a high number of half-days throughout the year. Ask any parent what this does to their day care schedule. Law enforcement would also not have to deal with the loitering problems that half days created. Also, with public schools in session through the middle of June, it negatively affects the length and attendance of many summer school programs, or other summer plans.

This bill has no impact on the process by which a local district calendar is established. The contents of this bill would not override existing master contract agreements. Calendar issues will still be driven by negotiation between the local school board and the local teachers union. Scheduled parent teacher conferences and snow day time would continue to be handled in similar respect to current law.

The DPI will say that the waiver to this mandate is approved a majority of the time when schools go through the lengthy waiver process. However the waiver is for special, unexpected circumstances that a school district might experience making it impossible to comply with the 180-day requirement. The waiver process is not for long-range planning or contract negotiations.

The decision to allow a waiver is currently at the discretion of the State Superintendent of Schools. Local districts ought to be trusted to adjust to unusual, isolated occasions on their own -- without compromising the amount of teacher -- student time. Making these decisions locally will reflect the needs of real people.

In all cases, if and when a district would ever seek something other than a 180 calendar, it would be have to be approved by union ratification. Nothing in AB 375 stops a district from continuing to maintain a 180 day schedule if that is what suits their community.

It's been said before that eliminating this mandate "takes us in the wrong direction." So for those who think I am trying to water down the time students spend in school, I also authored AB 376 which still eliminates the 180 day mandate, but slightly increased the required amount of hours that student spend with their teachers each year.

It is the time a student spends with their teacher is what counts, and that is what the hour requirement ensures. All the day requirement mandates is 180 bus rides or 180 lunch breaks.

To say the elimination of this Madison mandate is somehow going to shortchange students places a lot of mistrust in our local school boards, teacher unions and families.

We are not a one-size-fits-all state. The school districts in the Northwoods might embrace this tool and find it more effective to not bus children and heat their schools during the coldest days of winter. Either way, that is a decision that should be made in Northern Wisconsin, not Madison. If a change in the school schedule will not work in a community like Wausaukee, Crivitz or Florence -- then those communities will not support it and they will certainly be heard locally before they are heard in Madison.

I am glad to entertain questions of the committee. Thank you.

WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

*Every kid
deserves a
Great School!*

TO: Assembly Committee on Education
FR: Diane Craney, Government Relations Program Specialist
Wisconsin Education Association Council

RE: Oppose AB 375 – Repeal of 180 Day Rule

DA: Tuesday, October 9, 2007

WEAC believes that including staff in key decisions concerning wages, hours and conditions of employment is an important part of maintaining quality in our great schools. Making changes to the school calendar or to the number of days for instruction and school building operations should remain a subject of local collective bargaining.

Under current law, school is required to be held for at least 180 days during the school term (the time beginning with the first school day and ending with the last school day that the schools are in operation for the attendance of pupils in a school year). In addition, each school board must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades 1 to 6, and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Assembly Bill 375 retains the requirement that school be held for these minimum required hours of instruction and eliminates the requirement that school be held for at least 180 days.

WEAC is opposed to AB 375 because it will not improve academic achievement:

- Although the number of instructional hours will remain the same, the likely result would be no change in educational programming on a day-to-day basis since each class period would be lengthened by potentially just a minute or two to achieve the required number of hours. The cumulative effect, however, could be a loss of one to two weeks. This means that at least one, perhaps two, units or chapters of instruction could be lost or eliminated at a time when we are asking more from our schools, demanding accountability and providing fewer resources.
- With families feeling time pressure and everyone concerned about academic performance, our interest should be focused on investing the resources necessary to provide every child a high quality education, including after-school and summer school programs, not finding ways to cut back on our investment, cut back on quality, and cut back on school days.
- Working parents struggle with finding safe and secure places that can provide enrichment activities for their children when school is not in session. AB 375 would make this more difficult for parents.

Mary Bell, President

Dan Burkhalter, Executive Director

- Most states require 180 days of instruction.

WEAC opposes AB 375 because of concerns regarding collective bargaining, especially for ESP:

- A reduction in the number of student contact days will likely result in a loss of work hours for Education Support Professionals (ESP). The primary means of saving money would be through eliminating the need for bus drivers, food service, paraprofessionals, security, and some custodial staff on the non-contact days. These savings would come right out of the pockets of our lowest paid staff in public schools.
- Teacher contracts will be the battleground if there is a dispute over the number of workdays. On the other hand, ESP contracts often give the employer wide latitude in regard to assignment of hours. As a result, there is the danger that teacher units could enter into calendar agreements that cause the reduction of ESP member workdays, causing animosity between the affected locals.

WEAC is opposed to AB 375 because it is not needed and may conflict with federal law:

- Current law allows local school districts to request a waiver of the 180-day requirement. The DPI reports that, since 1998, there have been 218 requests to waive the 180-day requirement. DPI denied the waiver only seven times. The current process appears to be working well.
- The Elementary and Secondary Education Act (ESEA) sanctions for Title I schools that fail to meet Adequate Yearly Progress for multiple years can include increasing the length of the day or year. AB 375 could be at odds with ESEA, though ESEA sanctions must be implemented in accordance with local contracts and state laws.

For more information:

Please feel free to contact Diane Craney, Government Relations Program Specialist, with any questions or comments about this memorandum. Diane can be reached by e-mail at craneyd@weac.org or by phone at 608-298-2356. Thank you.



State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

October 9, 2007
Assembly Committee on Education

Department of Public Instruction Testimony on 2007 Assembly Bill 375

My name is Jennifer Kammerud and I am the legislative liaison for the Department of Public Instruction. On behalf of the State Superintendent of Public Instruction, thank you Chairperson Davis and members of the Committee for the opportunity to be here today to testify in opposition to AB 375.

AB 375 eliminates the requirement that school be held for at least 180 days but maintains the requirement that school be held for specified hours.

School districts currently have the authority to request a waiver from the 180 day requirement from the department. From 1998 through 2007 we have received 218 requests for waivers from this requirement. We have denied only seven.

The answer to the budget struggles in our schools should not be taking the low road to providing quality education in Wisconsin. Fewer instructional days will move our state in the wrong direction. Most states require 180 days of instruction. In fact, most advanced industrialized countries have well over 200 days of instruction per year. If anything, we should be moving towards more days in school. We want to be in a place that values education as the key tool in providing everyone in our great state the opportunity to reach his or her full potential.

With families feeling time pressure and everyone concerned about academic performance, our interest should be focused on investing the resources necessary to provide every child a high quality education, including after-school and summer school programs, not finding ways to cut back on our investment, cut back on resources, cut back on quality, and cut back on school days.

We now have new evidence conducted by researchers at Johns Hopkins University, and which appeared in the April 2007 issue of the *American Sociological Review*, that the summer learning loss is dramatic, especially for low-income students. This bill, by allowing school districts to shorten the school year could exacerbate this loss.

Although the number of instructional hours will remain the same, the likely result would be no change in educational programming on a day-to-day basis since each class period would be lengthened by potentially just a minute or two to achieve the required number of hours. The cumulative effect, however, could be a loss of one to two weeks of instruction. This means that at least one, perhaps two, units or chapters could be lost or eliminated at a time when we are asking more from our schools, demanding accountability and providing fewer resources.

- The bill sets no limits on the length of a school day. As can be seen in the chart below, children could be in school for unusually long periods of time in order to meet the hour requirements in fewer days. In addition, for some students the lengthened day plus time on the school bus may be too long.

- Even though the bottom line of instructional time over the course of the school year remains the same, the impact on instruction may be significant. See analysis in chart below. Please note:
 1. Current law requires a schedule of 180 days, with up to five days relief (in day count, not hours) for parent conferences and/or inclement weather. Consequently, for all practical purposes, the day and hour requirement falls into a 175 day face-to-face framework for instruction.
 2. Although passing time between classes in grades 7-12 may be counted as instructional time, it was not factored into the display below for the purpose of ease of calculation.

Number of days	Length of Elementary (1-6) School Days without lunch	Total Hours	Length of School Day (Grades 7-12) without lunch	Total Hours	Class Period Length for Grades 7-12 (based on 8 period instructional day)
175 (current law minus 5 relief days)	6 hrs.	1050	6 hrs., 30 min.	1137	49 min.
170	6 hrs., 11 min.	1051	6 hrs., 42 min.	1139	50 min.
165	6 hrs., 22 min.	1050	6 hrs., 54 min.	1138	52 min.
160	6 hrs., 34 min.	1050	7 hrs., 7 min.	1138	53 min.
155	6 hrs., 47 min.	1051	7 hrs., 21 min.	1139	55 min.
140 (4 day week)	7 hrs., 30 min.	1050	8 hrs., 8 min.	1138	61 min.

The instructional impact for grades 7-12 can easily be seen by viewing the last column. Reducing the number of days from 175 to 170 would result in class sessions which are one minute longer. Further reducing the number of days to 165 would result in classes which are three minutes longer. An extra 1-3 minutes a day will not equate with the lost 5-10 days of new material each day.

Clearly, many members of the Wisconsin Association of School Boards had similar concerns as the resolution supporting the removal of the 180 day requirement barely passed their delegate assembly on a vote of 181-175 a few years ago.

Thank you. I would be happy to answer any questions you may have.